

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

v.

JAKE ELLIS DAUGHTRY (1)

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§ CASE NUMBER 1:20-CR-00055
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**ORDER OVERRULING OBJECTIONS AND
ADOPTING REPORT AND RECOMMENDATION**

Pending is the Defendant's, Jake Ellis Daughtry's, *Motion for Return of Property* (Doc. No. 550).¹ The court referred this motion to United States Magistrate Judge Zack Hawthorn for consideration pursuant to Title 21 U.S.C. § 636(b)(1)(A) and (3) and the Local Rules of The United States District Court for the Eastern District of Texas. (Doc. No. 558.) On April 11, 2024, Judge Hawthorn entered a Report recommending that the Defendant, Jake Ellis Daughtry's, *Motion for Return of Property* be denied. (Doc. No. 575.)

Daughtry timely objected to Judge Hawthorn's findings. (Doc. No. 578.) The court conducted a *de novo* review of the objections in relation to the parties' filings and the applicable law. *See* FED. R. CRIM. P. 59(b); 28 U.S.C. § 636(b)(1)(C). After careful consideration, the court finds the objections have no merit. As the magistrate judge correctly concluded, Daughtry

¹ As the magistrate judge noted in the Report and Recommendation, Daughtry's initial motion for return of property (Doc. No. 316) was filed in the same document as a motion to suppress, which was denied by court order dated January 26, 2022 (Doc. No. 375). Therefore, the court notes that Document 316 is *not* currently pending. Daughtry filed a "Supplement" to his *Motion for Return of Property* (Doc. No. 536) and a *Motion for Leave to File Sealed Exhibits* to his *Motion for Return of Property* (Doc. No. 551), which were docketed as pending motions and also referred to Magistrate Judge Hawthorn. However, the "Supplement" referred to the motion that had been previously denied by court order (Doc. No. 375) and Daughtry, without permission from the court, already filed the sealed exhibits (Doc. No. 552). Accordingly, both filings (Doc. No. 536 and 552) seek relief that cannot be granted and are denied as moot.

has waived his right to challenge the criminal forfeiture in this matter. Moreover, he does not have standing for the return of property under 21 U.S.C § 853(n) Accordingly, it is

ORDERED that Defendant's objections (Doc. No. 578) are OVERRULED and that his *Motion for Return of Property* (Doc. No. 550) is DENIED. For the reasons discussed in the footnote, Daughtry's "supplement" (Doc. No. 536) and *Motion for Leave to File Sealed Exhibits* (Doc. No. 551) are DENIED as MOOT.

SIGNED this 6th day of May, 2024.



Michael J. Truncale
United States District Judge